

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Jimmy E. Blessing,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 6:16-1832-BHH
)	
Holly Scaturo, Mrs. Kimberly)	
Poholchuk, Ms. Cynthia Helff,)	
Dr. Gothard, Dr. Brown, Dr. Trass,)	
Dr. Swan, Ms. Marie Gehle,)	<u>ORDER</u>
Dr. Donna Schwartz-Watts,)	
Capt. Frank Abney, Mr. Galen)	
Sanders, Mr. Harold Alexander,)	
Ms. Charlene Hickman, Dr. John)	
McGill, and Mr. Allen Watson,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Jimmy E. Blessing's pro se complaint seeking relief pursuant to 42 U.S.C. § 1983. In his complaint, Plaintiff, who is currently in the custody of the South Carolina Department of Mental Health under the provisions of the South Carolina Sexually Violent Predator Act, S.C. Code Ann. §§ 44-48-10 through -170, alleges various claims related to his confinement. Defendants have filed various motions to dismiss and for summary judgment, and Plaintiff has filed a motion to amend his complaint. (ECF Nos. 60, 75, 109, 101, and 125, respectively.)

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On July 28, 2017, Magistrate Judge Kevin F. McDonald issued a report and recommendation ("Report") outlining Plaintiff's claims and recommending that the

Court grant Defendants' motions to dismiss and for summary judgment (ECF Nos. 60, 75, 109, and 101) and deny Plaintiff's motion to amend (ECF No. 125). Attached to the Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's thorough findings and recommendations.

Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 129) and incorporates it herein; the Court grants the motions to dismiss filed by Defendants Wilson, Swan, and Hickman (ECF Nos. 60, 75, and 109); the Court grants the motion for summary

judgment filed by Defendants Scaturo, Pohlchuk, Helff, Gothard, Brown, Tross, Gehle, Schwartz-Watts, Abney, Sanders, Alexander, and Magill (ECF No. 101); and the Court denies Plaintiff's motion to amend (ECF No. 125).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

August 17, 2017
Charleston, South Carolina